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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 RICHARD D. YORK,

11 Petitioner,

No. C09-5513 RBL/KLS

12 v.

13 MAGGIE MILLER-STOUT,

ORDER DENYING AMENDED MOTION
FOR THE APPOINTMENT OF COUNSEL

14 Respondent.

15 Before the court is Petitioner's Amended Motion For Appointment of Counsel. Dkt. 14.
16 Petitioner states that he is submitting this amended motion (dated November 19, 2009), because
17 he failed to place his name and number on his previous application for counsel. *Id.*, p. 3.

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19 The court considered and denied Petitioner's initial application for counsel (Dkt. 8)
20 because there is no right to have counsel appointed in cases brought under 28 U.S.C. § 2254
21 unless an evidentiary hearing is required, no evidentiary hearing has been granted in this case
22 and the claims are adequately set forth and articulated. The court's order is dated November 10,
23 2009, but was not docketed and mailed to Petitioner until November 16, 2009. Dkt. 12. The
24 petitioner's amended motion and the court's order appear to have crossed in the mails.
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Accordingly, it is **ORDERED** that Petitioner's Amended Motion for Appointment of Counsel (Dkt. 14) is **DENIED as moot**. The Clerk is directed to send copies of this Order to Petitioner.

DATED this 14th day of December, 2009.


Karen L. Strombom
United States Magistrate Judge